

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

VARIANT HOLDINGS, LLC
AND VARIANT, INC.

Plaintiffs,

v.

Z RESORTS, LLC,

Defendants.

NO. 2:11-CV-00290-JRG

LEAD CASE

VARIANT HOLDINGS, LLC, and VARIANT,
INC.

Plaintiffs,

vs.

AMERCO, et al,

Defendants.

NO. 2:11-CV-00422-JRG

JURY TRIAL DEMANDED

**JOINT MOTION TO DISMISS DEFENDANT LC WW PARTNERS D/B/A THE
WESTIN LA CANTERA RESORT SAN ANTONIO WITHOUT PREJUDICE**

Plaintiffs Variant Holdings, LLC and Variant, Inc. and Defendant LC WW Partners d/b/a The Westin La Cantera Resort San Antonio hereby move and stipulate pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and 41(c) to dismiss all claims and counterclaims between them in this action WITHOUT PREJUDICE, and with each party to bear its own costs, expenses, and attorneys' fees.

Dated: March 25, 2013

Respectfully submitted,

By: /s/ John J. Edmonds
John J. Edmonds – Lead Counsel
Texas Bar No. 789758

Respectfully submitted,

By: /s/ John M. Guaragna
John M. Guaragna, Esq.
Texas Bar No. 24043308

Stephen F. Schlather
Texas Bar No. 24007993
Joshua B. Long
Texas Bar No. 24078876
Johnathan K. Yazdani
Texas Bar No. 24079616
COLLINS, EDMONDS, POGORZELSKI,
SCHLATHER & TOWER, PLLC
1616 S. Voss Road, Suite 125
Houston, Texas 77057
Telephone: (281) 501-3425
Facsimile: (832) 415-2535
jedmonds@cepiplaw.com
sschlather@cepiplaw.com
jlong@cepiplaw.com
jyazdani@cepiplaw.com

Andrew W. Spangler
Texas Bar No. 24041960
Spangler & Fussell P.C.
208 N. Green Street, Suite 300
Longview, Texas 75601
(903) 753-9300
(903) 553-0403 (fax)
spangler@sfipfirm.com

**ATTORNEYS FOR PLAINTIFFS
VARIANT HOLDINGS, LLC AND
VARIANT, INC.**

john.guaragna@dlapiper.com
DLA Piper LLP (US)
401 Congress Avenue, Suite 2500
Austin, TX 78701-3799
Telephone: 512-457-7000
Facsimile: 512-457-7001

**ATTORNEYS FOR DEFENDANT
LC WW PARTNERS D/B/A THE
WESTIN LA CANTERA RESORT
SAN ANTONIO**

CERTIFICATE OF SERVICE

The undersigned certifies that on this 25th day of March 2013, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3). Any other counsel of record will be served by a facsimile transmission and/or first class mail.

/s/ John M. Guaragna
John M. Guaragna

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for Variant Holdings, LLC and Variant, Inc. and Defendant LC WW Partners d/b/a The Westin La Cantera Resort San Antonio met and conferred on March 25, 2013, and agreed on the form and substance of the above and foregoing motion and attached proposed order.

/s/ John M. Guaragna

John M. Guaragna